

ignominious defeat out of the present and pending contests.

Most cordially yours,
D. B. WYLIE, M. D.

Salinas, Calif.

RE ANNUAL TAX—GOVERNMENT SERVICE.

Sacramento, Cal., May, 1919.

Dear Doctor:—

The 1919 Legislature has passed Senate Bill No. 405, introduced by Senator Sharkey of Martinez, Contra Costa County, "authorizing the State Board of Medical Examiners to refund taxes, fees and penalties collected by mistake, error or inadvertence, and providing an appropriation therefor."

His Excellency Governor Stephens has signed Senate Bill 405, approving the provisions thereof, which will become effective ninety days after date of the adjournment of the Legislature, and thereafter the Board is empowered to make refund of a tax or penalty paid by any licentiate in government service, as noted.

The Board of Medical Examiners has the honor and pleasure to inform you that an opinion, approved by Hon. U. S. Webb, Attorney General of California, has been rendered, which permits the Board of Medical Examiners to exempt from payment of the \$2.00 annual tax, those licentiates who gave their services to the National Government during the recent war as commissioned medical officers "in the United States army, navy or marine hospital, or public health service."

Any licentiate of the State of California who held a commission as a medical officer in the U. S. army, navy or marine hospital, or public health service, is exempt from the payment of the tax **while in the discharge of his official duties.** If a licentiate was so connected, either in California or elsewhere, for a period of time covering January 1st of one year to January 1st of the succeeding year, such licentiate is exempt from the tax. In the event that during the portion of any year the licentiate **was not so connected**, then the tax must be collected.

Proof of either exemption from tax or to claim refund will suffice if the licentiate forwards to the Board of Medical Examiners an affidavit containing a copy of both appointment and discharge further substantiated by statement therein of the exact date of commencement of service and termination thereof, with rank at date of discharge. If still on active duty the licentiate will so state.

We trust that you will bear with us until the new bill becomes operative, inasmuch as there is a tremendous amount of detail incident to checking up the large number of licentiates who demonstrated their fervent patriotism in aiding our government.

Yours very truly,
CHAS. B. PINKHAM,
Secretary-Treasurer.

DEFECTS IN CALIFORNIA'S INDUSTRIAL ACCIDENT INSURANCE LAW.

To the Editor: I desire to add my views, gained from years of experience in this particular field of practice, to those already expressed in your columns, with the hope that they may be of benefit to those who undertake in the near future to have enacted many much needed improvements in statutes now governing industrial accident insurance. I shall endeavor in each criticism to state plainly my grounds for the same.

In a recently published article one of my colleagues assailed the industrial accident insurance commission, the present insurance laws and their execution, as being disgustingly swallowed up in politics. I wish to take strong exception to his views, and state that through several years of intimate association with the industrial accident insurance commission and the state compensation fund I

have failed to see a single instance where I believe politics played a part in the administration of the present laws.

It must be remembered that the present statutes were enacted in the face of terrific political opposition and were far from what the good people who were the sponsors started to put through or desired. Many compromises had to be made in order to get any sort of a bill through the legislature, but it was a beginning, and a very good one under the circumstances, and as such has helped to educate and convince many of the fair-minded among the opposition, of the justice of the plan, so that they are now ready to assist in the work of improving the results of that faulty, but nevertheless honest effort.

I shall begin by cracking the hardest nut first. I heartily agree with those who favor the free elimination of choice of physician by the employee or employer, the choice to be left to the insurance carrier, for the reasons (1) that the insurance carrier has to pay the bill and consequently it is to his best interests to choose the most skillful in order that the most rapid and best results be obtained; and (2) he is more competent to select a good physician than the average workingman, who is very likely to select some physician who in his opinion had successfully confined his wife or some friend's wife, but who may be quite incapable of doing good work on a compound fracture. I know of an instance where it cost the insurance company \$2000 because it reluctantly yielded to the demand of the injured employee to have his family physician care for his Pott's fracture.

I believe that the fee schedule is generally too low, particularly for fractures and operative cases. In regard to the fees for first and subsequent visits I believe the present fee is just for office and hospital, but is too low for out and home calls, where more time is lost; consequently the mileage fee should be raised, or, what I believe would be even better, a charge at the rate of \$5 per hour by day and double that rate at night should be allowed, in addition to a charge for professional services; and furthermore, a charge should be added to cover traveling expenses in accordance with regular auto hire. Under the ruling of the Industrial Accident Insurance Commission, these latter charges are allowed only under conditions of extraordinary difficulties encountered by the surgeon, but even such charges are usually questioned by the insurance company, with the resultant difficulty in making the collection, as well as bad feeling between both parties concerned.

It is the custom for most insurance carriers to contract their medical service wherever possible. I contend that this is absolutely wrong, inasmuch as it is an injustice to both the surgeon and the workingman. The average surgeon is not familiar with the cost and is not possessed of a keen business sense for figuring on these points, and even if he is, he is a professional man and not a gambler, while insurance is purely a gambling business and as such the insurance company is amply provided to meet any extraordinary hazards; consequently I say most emphatically, let us adhere strictly to the fee schedule, let the insurance company take the chance and give the surgeon what he actually earns. Furthermore, I am sure the injured workingman will get better and more conscientious care under the fee-schedule rule. I believe that it is wrong and works directly against life and limb of the injured when the insurance policy carries the compensation end only, and the employer takes care of the medical service, in order to lessen his premium cost. I positively know of a company engaged in a very hazardous occupational business who, as soon as they changed their policy in order to cut down their premium, went out in search of a surgeon to take full charge of their accident work with an offer of only \$100 per month for his services, and mind you, the location